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| APPLICATION NO.   | FILING DATE | FIRST NAMED INVENTOR | ATTORNEY DOCKET NO.       | CONFIRMATION NO. |
|---|-------------|----------------------|---------------------------|------------------|
| 09/714,326  | 11/16/2000  | Janin Pascal         | 00-GR-241                 | 4342             |
| 23334   | 7590        | 08/28/2003           |                           |                  |
| FLEIT, KAIN, GIBBONS,<br>GUTMAN & BONGINI, P.L.<br>ONE BOCA COMMERCE CENTER<br>551 NORTHWEST 77TH STREET, SUITE 111<br>BOCA RATON, FL 33487 |             |                      | EXAMINER<br>IQBAL, NADEEM |                  |
|   |             |                      | ART UNIT<br>2184          | PAPER NUMBER     |

DATE MAILED: 08/28/2003

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Please find below and/or attached an Office communication concerning this application or proceeding.

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| Office Action Summary | Application No.          | Applicant(s)     |  |
|-----------------------|--------------------------|------------------|--|
|                       | 09/714,326               | PASCAL, JANIN    |  |
|                       | Examiner<br>Nadeem Iqbal | Art Unit<br>2184 |  |

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

#### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

#### Status

- 1) Responsive to communication(s) filed on 16 November 2000.
- 2a) This action is FINAL.      2b) This action is non-final.
- 3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

#### Disposition of Claims

- 4) Claim(s) 1-42 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) Claim(s) \_\_\_\_\_ is/are allowed.
- 6) Claim(s) 1-4,7-9,12-18,21-23,25-31,34-36 and 39-42 is/are rejected.
- 7) Claim(s) 5,6,10,11,19,20,24,32,33,37 and 38 is/are objected to.
- 8) Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

#### Application Papers

- 9) The specification is objected to by the Examiner.
- 10) The drawing(s) filed on 16 November 2000 is/are: a) accepted or b) objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) The proposed drawing correction filed on \_\_\_\_\_ is: a) approved b) disapproved by the Examiner.  
If approved, corrected drawings are required in reply to this Office action.
- 12) The oath or declaration is objected to by the Examiner.

#### Priority under 35 U.S.C. §§ 119 and 120

- 13) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) All b) Some \* c) None of:
1. Certified copies of the priority documents have been received.
2. Certified copies of the priority documents have been received in Application No. \_\_\_\_\_ .
3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.
- 14) Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- a) The translation of the foreign language provisional application has been received.
- 15) Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

#### Attachment(s)

- 1) Notice of References Cited (PTO-892)
- 2) Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) Information Disclosure Statement(s) (PTO-1449) Paper No(s) \_\_\_\_\_ .
- 4) Interview Summary (PTO-413) Paper No(s). \_\_\_\_\_ .
- 5) Notice of Informal Patent Application (PTO-152)
- 6) Other: \_\_\_\_\_ .

## DETAILED ACTION

### *Claim Rejections - 35 USC § 103*

1. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

This application currently names joint inventors. In considering patentability of the claims under 35 U.S.C. 103(a), the examiner presumes that the subject matter of the various claims was commonly owned at the time any inventions covered therein were made absent any evidence to the contrary. Applicant is advised of the obligation under 37 CFR 1.56 to point out the inventor and invention dates of each claim that was not commonly owned at the time a later invention was made in order for the examiner to consider the applicability of 35 U.S.C. 103© and potential 35 U.S.C. 102(f) or (g) prior art under 35 U.S.C. 103(a).

Claims 1-4, 7-9, 12-15 are rejected under 35 U.S.C. 103(a) as being unpatentable over Martin (U.S. Patent number 3906454).

As per claim 1, Martin teaches (col. 1, lines 47-50) a data processing system that is monitored with respect to both hardware and software events without distorting the operation of the system. He also teaches (col. 2, lines 50-53) a software monitor that provides data gathering, data selection, and data reduction capabilities. The monitored data entries are directed by program instructions inserted in the instruction stream. He thus teaches limitations pertain to a method of monitoring programmed sequences comprising at least a first and a second programmed sequence. He does not explicitly disclose that the first programmed sequence is made to monitor the execution of the second programmed sequence and vice versa. He teaches as

stated above a software monitor that gathers data, provides data selection, and that monitored data entries are directed by program instructions inserted in the instruction stream. It would have been obvious to a person of ordinary skill in the art at the time the invention was made to realize that he provides the capability to have the first programmed sequence to monitor the execution of the second programmed sequence since he teaches to provide data selection and further teaches to provide the monitored data entries directed by program instructions inserted in the instruction stream, thus clearly provides the ability to have the first programmed sequence made to monitor the execution of the second programmed sequence and vice versa.

As per claim 2, He teaches as stated above a software monitor that provides data gathering, data selection, and data reduction capabilities. The monitored data entries are directed by program instructions inserted in the instruction stream, thus the programmed sequences are taken from the main program loops.

As per claim 3, as stated above He already teaches to provide data gathering, data selection, and data reduction capabilities. The monitored data entries are directed by program instructions inserted in the instruction stream, thus provides the capability to select from the interrupt routine.

As per claim 4, He teaches (col. 1, lines 63-65) that the selected software events can be utilized to initiate and terminate the selection of both hardware and software events to be stored, thus provides the ability to select interrupt routines that are triggered by an event generated by a timer.

***Allowable Subject Matter***

2. Claims 5,6,10,11,19,20,24,32,33,37,38 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

As per claim 7, He further teaches (col. 1, lines 63-65) that the selected software events can be utilized to initiate and terminate the selection of both hardware and software events to be stored. He thus provides the capability to cause a complete or partial reset of a programmed sequence.

As per claim 8, Martin substantially teaches the claimed invention as disclosed related to claim 1 above. He also teaches (col. 2, lines 50-53) a software monitor that provides data gathering, data selection, and data reduction capabilities. The monitored data entries are directed by program instructions inserted in the instruction stream. He thus teaches limitations pertain to a method of monitoring N programmed sequences comprising at least a first and a second programmed sequence. He does not explicitly disclose that each of said N programmed sequence is monitored by at least one other programmed sequence. He teaches as stated above a software monitor that gathers data, provides data selection, and that monitored data entries are directed by program instructions inserted in the instruction stream. It would have been obvious to a person of ordinary skill in the art to realize that he provides the capability to have each of the N programmed sequence monitored by at least one other programmed sequences, since he teaches to provide data selection and further teaches to provide the monitored data entries directed by program instructions inserted in the instruction stream, thus clearly provides the ability to have the N programmed sequence monitored by at least one other programmed sequences

As per claim 9, He teaches as stated above a software monitor that provides data gathering, data selection, and data reduction capabilities. The monitored data entries are directed by program instructions inserted in the instruction stream, thus the directed program instructions inserted in the instruction stream allows N programmed sequences to be monitored by each of the N-1 other programmed sequences.

As per claim 12, He teaches as stated above a software monitor that provides data gathering, data selection, and data reduction capabilities. The monitored data entries are directed by program instructions inserted in the instruction stream, thus the programmed sequences are taken from the main program loops.

As per claim 13, as stated above He already teaches to provide data gathering, data selection, and data reduction capabilities. The monitored data entries are directed by program instructions inserted in the instruction stream, thus provides the capability to select from the interrupt routine.

As per claim 14, He teaches (col. 1, lines 63-65) that the selected software events can be utilized to initiate and terminate the selection of both hardware and software events to be stored, thus provides the ability to select interrupt routines that are triggered by an event generated by a timer.

As per claim 15, He further teaches (col. 1, lines 63-65) that the selected software events can be utilized to initiate and terminate the selection of both hardware and software events to be stored. He thus provides the capability to cause a complete or partial reset of a programmed sequence.

Claims 16-18, 21-23, 25-27 are rejected under 35 U.S.C. 103(a) as being unpatentable over Martin (U.S. Patent number 3906454).

As per claim 16, Martin substantially teaches the claimed invention as disclosed related to claim 1 above. He also teaches (col. 2, lines 50-53) a software monitor that provides data gathering, data selection, and data reduction capabilities. The monitored data entries are directed by program instructions inserted in the instruction stream. He thus teaches limitations pertain to a method of monitoring programmed sequences comprising at least a first and a second programmed sequence. He does not explicitly disclose that the first programmed sequence is made to monitor the execution of the second programmed sequence and vice versa. He teaches as stated above a software monitor that gathers data, provides data selection, and that monitored data entries are directed by program instructions inserted in the instruction stream. It would have been obvious to a person of ordinary skill in the art to realize that he provides the capability to have the first programmed sequence to monitor the execution of the second programmed sequence since he teaches to provide data selection and further teaches to provide the monitored data entries directed by program instructions inserted in the instruction stream, thus clearly provides the ability to have the first programmed sequence made to monitor the execution of the second programmed sequence and vice versa.

As per claim 17, He teaches as stated above a software monitor that provides data gathering, data selection, and data reduction capabilities. The monitored data entries are directed by program instructions inserted in the instruction stream, thus the programmed sequences are taken from the main program loops.

As per claims 18 & 21, He already teaches to provide data gathering, data selection, and data reduction capabilities. The monitored data entries are directed by program instructions inserted in the instruction stream, thus provides the capability to select from the interrupt routine.

As per claim 22, Martin substantially teaches the claimed invention as disclosed related to claim 1 above. He also teaches (col. 2, lines 50-53) a software monitor that provides data gathering, data selection, and data reduction capabilities. The monitored data entries are directed by program instructions inserted in the instruction stream. He thus teaches limitations pertain to a method of monitoring N programmed sequences comprising at least a first and a second programmed sequence. He does not explicitly disclose that each of said N programmed sequence is monitored by at least one other programmed sequence. He teaches as stated above a software monitor that gathers data, provides data selection, and that monitored data entries are directed by program instructions inserted in the instruction stream. It would have been obvious to a person of ordinary skill in the art to realize that he provides the capability to have each of the N programmed sequence monitored by at least one other programmed sequences, since he teaches to provide data selection and further teaches to provide the monitored data entries directed by program instructions inserted in the instruction stream, thus clearly provides the ability to have the N programmed sequence monitored by at least one other programmed sequences

As per claim 23, He teaches as stated above a software monitor that provides data gathering, data selection, and data reduction capabilities. The monitored data entries are directed by program instructions inserted in the instruction stream, thus the directed program instructions inserted in the instruction stream allows N programmed sequences to be monitored by each of the N-1 other programmed sequences.

As per claim 25, He teaches as stated above a software monitor that provides data gathering, data selection, and data reduction capabilities. The monitored data entries are directed by program instructions inserted in the instruction stream, thus the programmed sequences are taken from the main program loops.

As per claims 26 & 27, He already teaches to provide data gathering, data selection, and data reduction capabilities. The monitored data entries are directed by program instructions inserted in the instruction stream, thus provides the capability to select from the interrupt routine.

Claims 28-31, 34-36, 39-42 are rejected under 35 U.S.C. 103(a) as being unpatentable over Martin (U.S. Patent number 3906454).

As per claim 28, Martin substantially teaches the claimed invention as disclosed related to claim 1 above. He also teaches (col. 2, lines 50-53) a software monitor that provides data gathering, data selection, and data reduction capabilities. The monitored data entries are directed by program instructions inserted in the instruction stream. He thus teaches limitations pertain to a method of monitoring programmed sequences comprising at least a first and a second programmed sequence. He does not explicitly disclose that the first programmed sequence is made to monitor the execution of the second programmed sequence and vice versa. He teaches as stated above a software monitor that gathers data, provides data selection, and that monitored data entries are directed by program instructions inserted in the instruction stream. It would have been obvious to a person of ordinary skill in the art to realize that he provides the capability to have the first programmed sequence to monitor the execution of the second programmed sequence since he teaches to provide data selection and further teaches to provide the monitored data entries directed by program instructions inserted in the instruction stream, thus clearly

provides the ability to have the first programmed sequence made to monitor the execution of the second programmed sequence and vice versa.

As per claim 29, He teaches as stated above a software monitor that provides data gathering, data selection, and data reduction capabilities. The monitored data entries are directed by program instructions inserted in the instruction stream, thus the programmed sequences are taken from the main program loops.

As per claim 30, as stated above He already teaches to provide data gathering, data selection, and data reduction capabilities. The monitored data entries are directed by program instructions inserted in the instruction stream, thus provides the capability to select from the interrupt routine.

As per claim 31, He teaches (col. 1, lines 63-65) that the selected software events can be utilized to initiate and terminate the selection of both hardware and software events to be stored, thus provides the ability to select interrupt routines that are triggered by an event generated by a timer.

As per claim 34, He further teaches (col. 1, lines 63-65) that the selected software events can be utilized to initiate and terminate the selection of both hardware and software events to be stored. He thus provides the capability to cause a complete or partial reset of a programmed sequence.

As per claim 35, Martin substantially teaches the claimed invention as disclosed related to claim 1 above. He also teaches (col. 2, lines 50-53) a software monitor that provides data gathering, data selection, and data reduction capabilities. The monitored data entries are directed by program instructions inserted in the instruction stream. He thus teaches limitations pertain to a

method of monitoring N programmed sequences comprising at least a first and a second programmed sequence. He does not explicitly disclose that each of said N programmed sequence is monitored by at least one other programmed sequence. He teaches as stated above a software monitor that gathers data, provides data selection, and that monitored data entries are directed by program instructions inserted in the instruction stream. It would have been obvious to a person of ordinary skill in the art to realize that he provides the capability to have each of the N programmed sequence monitored by at least one other programmed sequences, since he teaches to provide data selection and further teaches to provide the monitored data entries directed by program instructions inserted in the instruction stream, thus clearly provides the ability to have the N programmed sequence monitored by at least one other programmed sequences

As per claim 36, He teaches as stated above a software monitor that provides data gathering, data selection, and data reduction capabilities. The monitored data entries are directed by program instructions inserted in the instruction stream, thus the directed program instructions inserted in the instruction stream allows N programmed sequences to be monitored by each of the N-1 other programmed sequences.

As per claim 39, He teaches as stated above a software monitor that provides data gathering, data selection, and data reduction capabilities. The monitored data entries are directed by program instructions inserted in the instruction stream, thus the programmed sequences are taken from the main program loops.

As per claim 40, as stated above He already teaches to provide data gathering, data selection, and data reduction capabilities. The monitored data entries are directed by program

instructions inserted in the instruction stream, thus provides the capability to select from the interrupt routine.

As per claim 41, He teaches (col. 1, lines 63-65) that the selected software events can be utilized to initiate and terminate the selection of both hardware and software events to be stored, thus provides the ability to select interrupt routines that are triggered by an event generated by a timer.

As per claim 42, He further teaches (col. 1, lines 63-65) that the selected software events can be utilized to initiate and terminate the selection of both hardware and software events to be stored. He thus provides the capability to cause a complete or partial reset of a programmed sequence.

### ***Conclusion***

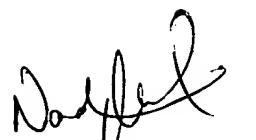
Any inquiry concerning this communication or earlier communications from the examiner should be directed to Nadeem Iqbal whose telephone number is (703)-308-5228. The examiner can normally be reached on M-F (8:00-5:30) First Friday Off.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Robert W Beausoliel can be reached on (703)-305-9713. The fax phone numbers for the organization where this application or proceeding is assigned are (703)-746-7239 for regular communications and (703)-746-7238 for After Final communications.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703)-305-3900.

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Nadeem Iqbal  
Primary Examiner  
Art Unit 2184

NI  
August 20, 2003